

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KAREN SAUNDERS,	)	
	)	
Plaintiff,	)	Case No. 1:17-cv-00335
	)	
v.	)	
	)	
DYCK O'NEAL, INC.,	)	Hon. Judge Gordon J. Quist
	)	Hon. Mag. Judge Ray Kent
Defendant.	)	

**PLAINTIFF'S MOTION TO FILE RESPONSE TO  
MOTION FOR INTERLOCUTORY APPEAL UNDER SEAL**

Plaintiff Karen Saunders, by and through her attorneys, respectfully moves this Court for leave to file Plaintiff's response to Defendant's Motion for Reconsideration of Opinion and Order Denying Summary Judgment or, Alternatively, for Certification of Controlling Issues of Law for Interlocutory Appeal under seal, pursuant to the Agreed Confidentiality Order in this action and Local Rule 10.6, and with appropriate public redactions. In support of this motion, Plaintiff states as follows:

1. Plaintiff is filing her response in opposition to Defendant Dyck O'Neal, Inc.'s ("DONI") Motion for Reconsideration of Opinion and Order Denying Summary Judgment or, Alternatively, for Certification of Controlling Issues of Law for Interlocutory Appeal in this matter, Dkt. No. 55. Her response includes direct references to the deposition testimony of Paul Gies, an employee of Defendant's vendor, which has been designated as confidential under the Agreed Confidentiality Order.

2. Given the confidential designation of the deposition testimony, Plaintiff respectfully seeks leave to file her brief under seal, with appropriate public redactions.

3. The Agreed Confidentiality Order provides that "[a]ny party wishing to file a

document designated as Confidential Information in connection with a motion, brief or other submission to the Court must comply with L.R. 10.6.” Dkt. No. 13 ¶ 7. Pursuant to Local Rule 10.6(b), Plaintiff is filing a provisionally sealed version of her brief and exhibits with the instant motion for leave to seal such materials.

4. The Court previously permitted such matter to be filed under seal, without opposition from Defendant. Dkt. 39.

WHEREFORE, Plaintiff Saunders respectfully requests leave to file Plaintiff’s response to DONI’s Motion for Reconsideration of Opinion and Order Denying Summary Judgment or, Alternatively, for Certification of Controlling Issues of Law for Interlocutory Appeal under seal, as submitted concurrently herewith.

Dated: October 17, 2018

Respectfully submitted,

KAREN SAUNDERS

By: s/ Alexander H. Burke

Alexander H. Burke  
BURKE LAW OFFICES, LLC  
155 N. Michigan Ave., Suite 9020  
Chicago, IL 60601  
Telephone: (312) 729-5288  
Facsimile: (312) 729-5289  
[aburke@burkelawllc.com](mailto:aburke@burkelawllc.com)

Larry P. Smith  
David Marco  
SMITHMARCO, P.C.  
55 W Monroe St., Suite 1200  
Chicago, IL 60603  
Telephone: (888) 822-1777  
Facsimile: (888) 418-1277  
[lsmith@smithmarco.com](mailto:lsmith@smithmarco.com)  
[dmarco@smithmarco.com](mailto:dmarco@smithmarco.com)

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 17, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Alexander H. Burke